

REMARKS

Oath/Declaration

The Examiner indicated that the declaration filed is defective and that a new declaration is required. A newly executed declaration is co-filed herewith.

Status of the Claims

After amendment, claims 1-7, 9-16, 19-27, and 29-67 are pending. Claims 47-66 were withdrawn previously. Claims 1, 2, 4, 14-16, 19 and 29-31 have been amended. Claims 8, 17, 18, and 28 have been cancelled. Claim 67 is new.

Amendment of the Claims

Amendments to claims 1, 2, 4, 14-16, 19 and 29-31 were made to make the overall claim language more clear including the antecedent bases for certain terms, as suggested by the Examiner. Amendments to claims 1 and 2 are at least supported by page 4 ll. 3-6 and ll. 14-20, p. 10 ll. 8-10, p. 10 l. 27 – p. 11 l. 2, p. 12 ll. 9-15, p. 13 ll. 17-22 and ll. 27-29, and Examples 1-5 and 8. Furthermore, the limitations of claim 28 have been incorporated into independent claims 1 and 2, and claim 28 has been cancelled. New claim 67 is at least supported by original claim 19. No new matter has been added by amendment of the claims.

Rejection of Claims 1-46 Under 35 U.S.C. § 112, Second Paragraph

Claims 1-46 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. As requested by the Examiner, Applicant has amended the claims to clarify antecedent bases for certain terms and made the language of the claims more clear in order to overcome this rejection.

Rejection of Claim 28 Based on Non-Statutory Obviousness-Type Double Patenting Over
Claims 1-65 of U.S. Patent No. 6,743,574

Claim 28 was rejected over claims 1-65 of U.S. Patent No. 6,743,574 on the ground of non-statutory obviousness-type double patenting. The Examiner indicated that claim 28, which depends from independent claims 1 and 2, would be allowable with filing of a terminal disclaimer. The required terminal disclaimer is being filed herewith.

Rejection of Claims 1-27 and 29-46 Under 35 U.S.C. § 103(a) as Unpatentable Over
U.S. Patent Nos. 6,024,735 and 6,432,712

Claims 1-27 and 29-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Nos. 6,024,735 and 6,432,712. The 35 U.S.C. § 103(a) rejection has now become moot, because the limitations of claim 28 (which is allowable in view of the co-filed terminal disclaimer) have been added to independent claims 1 and 2. Thus, claims 3-7, 9-16, 19-23, 26, 27, 29-46, and 67 which depend from claims 1 and 2 should now also be allowable. Claim 28 has been cancelled. Thus, claims 1-7, 9-16, 19-27, and 29-67 should now be in condition for allowance.

Conclusion

The application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated to efficiently advance the prosecution of this application.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response; please charge any deficiency in fees or credit any overpayments to Deposit Account No. 50-0310 (067949-5019-US01).

Respectfully submitted,
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